IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.

SUMMARY SUIT NO.666 OF 2007

Alpana Rajat Kapadia. ...Plaintiff.
Vs.
M/s.Rangtex & Ors. ...Defendants.
....
Ms.Nita G. Solanki for the Plaintiff.
.....

CORAM :DR.D.Y.CHANDRACHUD, J.
11th June 2007.

P.C.:

The suit under Order 37 of the Code of Civil Procedure, 1908, is based on a Demand Promissory Note dated 5th April 2004 in the amount of Rs.50,000/- issued by the Defendants. A notice of demand dated 16th February 2007 was issued to the Defendants. The suit was lodged on 27th February 2007 which is within limitation.

The Defendants have refused service of the writ of Summons and an affidavit of the concerned employee in the office of the Sheriff dated 13th April 2007 has been placed on the record. There has hence been a valid service upon the Defendants. The Plaintiff has relied upon a compilation of the original documents on

the basis of which the claim in the suit has been proved. In any event, the suit falls within the purview of Order 37 of the Code of Civil Procedure, 1908. The Defendants having failed to entered appearance, the Plaintiff will be entitled to a decree. The suit shall accordingly stand decreed as prayed with the modification that the Plaintiff will be entitled to interest at the rate of 12% per annum on the principal sum of Rs.50,000/- from the date of the suit, until payment or realisation.

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